

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

VS.

TYLER JOSEPH KEUP,

Defendant.

8:13CR45

ORDER

This matter is before the court on the motion of Leonard P. Vyhnaelek to withdraw as counsel for the defendant, Tyler Joseph Keup (Keup) (Filing No. 34). Mr. Vyhnaelek represents that communications with Keup have broken down. The court held a hearing on the motion on August 7, 2013. Keup was present with Mr. Vyhnaelek and the United States was represented by Assistant U.S. Attorney Kimberly C. Bunjer. Following an in camera discussion with Mr. Vyhnaelek and Keup, the court finds the attorney client relationship has been irretrievably broken and the motion to withdraw should be granted. During the hearing, Keup stated he wished to withdraw his request to enter a plea of guilty,

IT IS ORDERED:

1. Mr. Vyhnalek's motion to withdraw (Filing No. 34) is granted.
2. Keup's request to withdraw his request to enter a plea of guilty is granted and the plea hearing before Judge Bataillon scheduled for August 22, 2013, is canceled.
3. Horacio J. Wheelock, 319 So. 17th Street, #230, Omaha, Ne 68102, (402) 342-9147, is appointed to represent Keup for the balance of these proceedings pursuant to the Criminal Justice Act. Mr. Vyhnalek shall forthwith provide Mr. Wheelock with the discovery materials provided the defendant by the government and such other materials obtained by Mr. Vynalek which are material to Keup's defense.

The clerk shall provide a copy of this order to Mr. Wheelock, and he shall file his appearance forthwith.

Keup will be given **until August 30, 2013**, in which to file any pretrial motions in accordance with the progression order (Filing No. 10). The ends of justice have been served by granting such additional time to file pretrial motions and outweigh the interests

of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting such time, i.e., the time between **August 8, 2013, and August 30, 2013**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason defendant's counsel requires additional time to adequately prepare the case, taking into consideration due diligence of counsel, and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(A) & (B). The trial of this matter will be rescheduled following the disposition of any pretrial motions or the expiration of the pretrial motion deadline set forth above.

IT IS SO ORDERED.

DATED this 8th day of August, 2013.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge